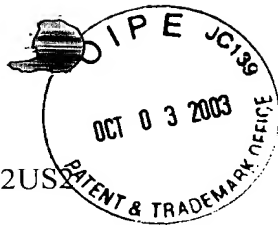


DOCKET NO: 203372US2



#10
10-9-03
B. Hilliard

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
SHIGERU NEMOTO : EXAMINER: BAYERL, R. J.
SERIAL NO: 09/788,650 :
FILED: FEBRUARY 21, 2001 : GROUP ART UNIT: 2173
FOR: DISPLAY DEVICE FOR A :
MEDICAL TOMOGRAPHIC IMAGE :

RESTRICTION RESPONSE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RECEIVED

OCT 06 2003

Technology Center 2100

SIR:

In response to the Office Action dated September 3, 2003, Applicant provisionally elects, with traverse, Group I, Claims 1-10 and 12 for further examination on the merits in the present application.

Applicant respectfully traverses the Restriction Requirement because the PTO has not carried forward its burden of proof to establish that searching and examining the noted sets of claims would be an undue burden.

In particular, MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area.¹

¹ To do justice to either identified groups of claims, it is respectfully submitted that it would be necessary to search in all classes and subclasses identified in item 1 at page 2 of the outstanding Official Action.



Docket No.: 203372US2

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 09/788,650
Applicants: Shigeru NEMOTO
Filing Date: February 21, 2001
For: DISPLAY DEVICE FOR A MEDICAL
TOMOGRAPHIC IMAGE
Group Art Unit: 2173
Examiner: BAYERL, R. J.

SIR:

Attached hereto for filing are the following papers:

RESTRICTION RESPONSE

Our check in the amount of -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

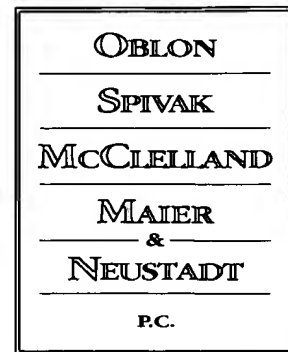
OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Gregory J. Maier
Registration No. 25,599
Surinder Sachar
Registration No. 34,423

Customer Number
22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)

I:\ATTY\RF\20S\203372\203372-REST-CVR.DOC



ATTORNEYS AT LAW

GREGORY J. MAIER
(703) 413-3000
GMAIER@OBLON.COM

SURINDER SACHAR
(703) 413-3000
SSACHAR@OBLON.COM

RECEIVED
OCT 06 2003
Technology Center 2100